

REMARKS

The claims are claims 1, 10, 12, 13, 19, 29, 33, 34, 37 and 41.

Claims 33 and 34 are amended. Claims 2, 6, 20, 22, 35, 36, 38 to 40 and 42 to 44 are newly canceled. Claim 33 is amended to depend upon claim 29 rather than canceled claim 28. Claim 34 is amended to depend upon claim 29 rather than canceled claim 30.

Claims 33 and 34 were rejected under 35 U.S.C. 112, second paragraph, as indefinite. The FINAL REJECTION points out these claims are dependent upon canceled claims.

Claims 33 and 34 have been amended to depend upon claim 29. The Applicants submit these amendments cure the rejections under 35 U.S.C. 112, second paragraph.

Claims 1, 10, 12, 13, 19, 29, 33, 34, 37 and 41 were rejected under 35 U.S.C. §102(b) as anticipated by Merjanian U.S. Patent No. 5,920,642.

Claims 1, 10, 12 and 19 recite subject matter not anticipated by Merjanian. Claims 1, 10 and 12 recite "acquiring data related to a user without active user input or participation." Claim 19 similarly recites "collecting user data without active identification measures by the user." The OFFICE ACTION cites column 11, lines 18 to 46 of Merjanian as anticipating this subject matter. This portion of Merjanian does require an active step of participation by the user to detect the fingerprint. Merjanian states at column 11, lines 30 and 31 (within the portion cited by the Examiner):

"As before, fingerprint data is entered by placing the digit 32 on the platen 30."

The Applicants respectfully submit that this "placing the digit 32 on the platen 30" requires "active user input or participation" and

"active identification measures by the user" contrary to the recitations of claims 1, 10, 12 and 19. The FINAL REJECTION quotes Merjanian at column 11, lines 24 to 26, which state:

"The prompt for entering fingerprint data may be an on-screen text display or may be a transparent step as part of a menu selection process."

This portion of Merjanian states that "the prompt" for entering fingerprint data may be explicit or implicit. This portion of Merjanian fails to teach that the actual "entering fingerprint data" is without active user input or participation or without active identification measures by the user as required by the limitations of claims 1, 10, 12 and 19. The only disclosure of input of user identification within the cited portion of Merjanian is the "placing the digit 32 on the platen 30" quoted above. Note this application discloses the use of a video camera for user identification that requires the mere presence of the user in the room. This application also discloses a microphone that requires only that the user speak and does not require the user to speak in a manner directed to the identification process. Even the fingerprint sensor embedded in the remote control device merely requires the user to activate a control key that the user would activate to operate the remote control device. Thus the user actively participates in use of the remote control without "active user input or participation" or "active identification measures by the user" as prohibited by this language of the claims. In contrast, Merjanian requires the user to place a digit on a platen sensor in a process directly solely to identification of the user. Accordingly, claims 1, 10, 12 and 19 are allowable over Merjanian.

Claims 13, 29, 34, 37 and 41 recite subject matter not anticipated by Merjanian. Claims 13, 29, 34, 37 and 41 recite a plurality of control keys and "a fingerprint sensor embedded in one

of the control keys." The FINAL REJECTION cites Figure 7 of Merjanian as disclosing control keys and cites "key 30" as the claimed fingerprint sensor embedded in a control key. Merjanian fails to teach element 30 as a key. Element 30 of Merjanian is always called "platen 30." Merjanian states at column 4, lines 26 to 35:

"In FIG. 1, a hand 28 has grasped the ergonomic reader 20 and has placed a digit 32 on a platen 30. The platen 30 serves as an image transfer surface upon which the image from the digit 32 is conveyed to an image sensing device. The image sensing device converts the optical image from a top surface of the platen 30 to an electronic signal for transmission through wires or optical cables (not shown) within the tether 22 into the base 24."

Thus Merjanian clearly teaches element 30 as part of a fingerprint sensor. No portion of Merjanian teaches element 30 is embedded in a control key as recited in claims 13, 29, 34, 37 and 41. The Applicants respectfully submit that Merjanian separately discloses control key and a fingerprint sensor but fails to anticipate the claimed fingerprint sensor embedded in a control key. Accordingly, claims 13, 29, 34, 37 and 41 are allowable over Merjanian.

Claim 33 recites subject matter not anticipated by Merjanian. Claim 33 recites "some control keys disposed in a thumb actuated cross configuration" and "the fingerprint sensor is integrated within a middle portion of the thumb operated cross configuration." The FINAL REJECTION cites column 8, lines 8 to 22 and column 12, lines 38 to 45 of Merjanian as anticipating this subject matter. Column 8, lines 8 to 22 of Merjanian describe Figure 7. Figure 7 clearly illustrates control keys 212H, 211I, 212J and 212K disposed in the claimed cross configuration. Platen 30 of the fingerprint sensor of Merjanian is disposed remotely from this cross configuration of control keys. Figure 7 illustrates platen 30 as disposed outside the cross configuration of control keys 212H,

211I, 212J and 212K. Column 8, lines 8 to 22 of Merjanian fails to teach that platen 30 is "integrated within a middle portion of the thumb operated cross configuration" as recited in claim 33. Further, column 12, lines 38 to 45 includes no teaching regarding the relative placement of control keys and a fingerprint sensor. Accordingly, claim 33 is allowable over Merjanian.


The Applicants respectfully request entry and consideration of this amendment. Entry of this amendment is proper at this time because the amendment cancels rejected claims and corrects a dependency problem in claims 33 and 34. Thus no new search or reconsideration is required.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,


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